

**UNIVERSITY OF BIRMINGHAM**

**CODE OF PRACTICE ON LEAVE OF ABSENCE PROCEDURE**

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## 1. Introduction

- 1.1 During their period of registration, students may experience a range of significant challenges that may compromise their ability to continue to fully engage with their programme of study and to maximise their academic potential. In certain situations the most viable course of action may be to take an authorised temporary break from study, known as Leave of Absence.
- 1.2 This Code of Practice applies to all Registered Students undertaking Undergraduate and Postgraduate Taught programmes, and Postgraduate Research programmes. In this Code of Practice “Postgraduate Researcher” means a Postgraduate Registered Student undertaking a research degree programme.
- 1.3 Leave of Absence is not an automatic entitlement and therefore it may be refused depending upon the circumstances and the evidence provided. It may also be imposed by the University rather than requested by the student.

## 2. Definition of Leave of Absence

- 2.1 Leave of Absence is a recognised and authorised break from studies where there is no academic engagement. Leaves of Absence are not a means to extend study periods, which is dealt under the Code of Practice on Extensions to Study Periods.
- 2.2 Students on identified flexible programmes<sup>1</sup> may not always be required to apply for a formal Leave of Absence during periods of non-engagement with study which are taken in line with the flexible nature of their programme. Students should always consult their Principal Academic Unit (PAU) / Department before taking any break in study.
- 2.3 Leave of Absence should not generally be used as a short-term solution where an alternative option (such as an extension to a submission deadline for coursework or a dissertation, or the Extenuating Circumstances procedure) would be more beneficial to the academic progress of the student.
- 2.4 Leave of Absence will normally only be given for periods of absence exceeding one calendar month and not exceeding twelve calendar months.
- 2.5 Leave of Absence should not be used to accommodate a short period of absence (less than one month) Information on authorised absence for international students can be found at <https://intranet.birmingham.ac.uk/as/registry/studentrecords/services/authorised-absence-international-students.aspx>.
- 2.6 A student must apply for Leave of Absence at the time the situation arises that adversely impacts on their ability to study.

## 3. Implications of Leave of Absence

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<sup>1</sup> Programmes denoted as flexible can be identified in Legal agreements and programme specifications.

- 3.1 The student's registration status will be recorded as "Leave of Absence" (LA) for the duration of the Leave of Absence. The only exception to this is in the case of a Registered Student undertaking their first or second term as a Guild Sabbatical officer (see sections 5.2 and 8.10 below) where their status will remain as "Normally Registered" (NR) The central University record will reflect that the student holds a Guild Sabbatical officer position.
- 3.2 Tuition fees will be adjusted to take account of the period of Leave of Absence in accordance with the University's published tuition fee liability policy.
- 3.3 There may be an impact on student funding provision. For example, payments from the Student Loans Company, Research Councils and/or University funding may be stopped for the period of Leave of Absence and any overpayments may be required to be repaid.
- 3.4 The University is required by law to withdraw immigration sponsorship for students who hold a Student Visa (previously Tier 4 General) and who are taking a Leave of Absence. This will normally mean that they, and, if applicable, any of their dependants, will be required to leave the UK for their period of the Leave of Absence. Therefore, international students should seek advice from the International Student Team (IST) regarding the impact of a Leave of Absence on their immigration status. In certain circumstances, the University may be able to continue immigration sponsorship for a maximum period of eight weeks during which time the University's statutory responsibilities as a Home Office Student Sponsor (previously Tier 4) will apply
- 3.5 International students undertaking a first or second term as a Guild Sabbatical Officer will have "Normally registered" (NR) status and therefore 3.4 does not apply. In accordance with the Code of Practice on Student Attendance / Engagement and Reasonable Diligence, and under the Points Based System, the attendance of non-European Economic Area Registered Students will be verified by defined engagement points for the duration that the Guild Sabbatical position is being undertaken.
- 3.6 Although there remains a contractual obligation with the University, there is no active student registration status for this period of absence.
- 3.7 Any pre-existing University processes, (such as investigations into plagiarism, fitness to practise, misconduct etc) may continue during any approved Leave of Absence.
- 3.8 For entrants to the University from 2015/16 onwards, in accordance with Regulation 6.2.1(f) and 6.2.2(d), all time spent on Leave of Absence for students on Taught programmes is excluded from the calculation of the maximum period of registration. For taught students who entered the University in 2014/15 or earlier, the maximum periods of study as stated in the Regulations for 2014/15 apply and time spent on Leave of Absence will be included when calculating the maximum period of registration.
- 3.9 In accordance with Regulation 6.2.3(g) all time spent on Leave of Absence for a postgraduate researcher is excluded when calculating the time limit for the submission of the thesis.

#### **4. Imposed Leave of Absence**

4.1 In accordance with Regulation 6.2, a student may be put on Leave of Absence by the University without the student submitting a request for Leave of Absence. Examples of such instances are as follows:

4.1.1 Temporary suspension on the grounds of misconduct

In accordance with Regulation 8, the Academic Registrar (or nominee) may temporarily suspend a student from their programme of study and / or restrict the Student's access to University premises, property, facilities or events if there is a reasonable suspicion they have committed a serious disciplinary offence, or, they have been accused of, charged with, or are being investigated by the police for a serious or significant criminal offence. The student's registration status throughout this period will be Leave of Absence.

4.1.2 Suspension following a Misconduct or Fitness to Practise Hearing

A College or University Misconduct or Fitness to Practise Committee may apply a sanction of suspension of the student from the University for a specified period not exceeding one year. The student's registration status throughout this period will be Leave of Absence.

4.1.3 Imposed – excluded for tuition fee debt

“Imposed – excluded for tuition fee debt” will be used in instances where the student has been excluded due to a tuition fee debt but has not applied for Leave of Absence themselves. The University will place the student on an imposed Leave of Absence for the remainder of the academic year in accordance with Regulation 5.3.1(j).

Where an excluded student voluntarily applies for Leave of Absence, the reason will be recorded as “financial”.

Normally students will be put on imposed Leave of Absence until the end of the academic session and their tuition fees will be adjusted in accordance with the University's published Tuition Fee Liability policy.

Immigration sponsorship will be withdrawn for Student Visa holders (previously Tier 4) as outlined in section 3.4.

4.1.4 Imposed – excluded due to the statutory responsibilities of the University as a Student Sponsor licence holder

“Imposed – immigration reasons” will be used in instances where:

- (i) a student is a Student Visa holder, and their pattern of attendance over an academic session does not require them to have on-campus attendance / engagement with study for a period which exceeds 60 days. This will normally apply to Undergraduate and Postgraduate Taught students internally repeating

modules pro rata, where a further opportunity to retrieve failure has been recommended by a Board of Examiners. The student will be placed on an imposed leave of absence for the period where no on-campus attendance / engagement is required.

- (ii) a programme transfer is taking place and immigration rules require the student to obtain a new visa prior to commencing study on the new programme. The student will be placed on an imposed leave of absence for the period when the new visa is being applied for.
- (iii) Failure to complete a Right to Study (RTS) check (as outlined in the Code of Practice on Student Immigration Duties, section 3)

For all of the above, immigration sponsorship will be withdrawn, as outlined in section 3.4.

#### 4.1.5 Compulsory Leave of Absence

The procedures in the Code of Practice on Health, Wellbeing and Fitness to Study should be followed where there is a reasonable suspicion that a Student's ability to study on their programme and/or participate in University life is or may be compromised as the result of health and/or wellbeing issues. Those procedures may lead to a Student being suspended by the Director of Academic Services and College Administration or their nominee. The Student's registration status throughout the period of suspension will be Leave of Absence.

#### 4.1.6 Leave of Absence following Academic Appeal

Where it is deemed by the PAU to be too late in the current academic session for a student to resume study following an academic appeal being upheld, the student will be placed on leave of absence for the remainder of the academic session. The student will be notified in their appeal outcome letter issued by Student Conduct, Complaints and Appeals, that their status will be updated to Leave of Absence for the remainder of the academic year.

## 5. **Voluntary Leave of Absence**

- 5.1 Leave of Absence can be requested on medical and non-medical grounds.
- 5.2 A Registered Student may only stand for election for a term of office as a Sabbatical Officer of the Guild of Students before completing his or her programme if leave of absence for that term of office has been conditionally granted. Leave of absence granted on this basis will come into effect if the student is elected and will take effect from the date on which the student takes office.

## 6. **Evidence requirements**

- 6.1 All Leave of Absence requests should be accompanied by appropriate third party supporting evidence.
- 6.2 Medical evidence should normally be provided by a UK registered medical professional. Where medical evidence is from a non-UK registered medical professional and is not in English, a certified translation must be provided by the student. The University reserves the right to request permission from the Registered Student to contact the relevant medical professional and/or the University Medical Officer for additional information, for example, in cases where there are concerns about the evidence presented.

## **7. Alternatives to Leave of Absence**

- 7.1 The following routes are identified as possible alternatives to Leave of Absence:
  - 7.1.1 Switch to part time study if appropriate (NB: this will not be permissible for anyone with a Student Visa, nor may it be possible for some programmes);
  - 7.1.2 Extensions to submission deadlines for course work, or a dissertation.

## **8. Processing Leave of Absence application**

- 8.1 The authorised signatories for Leave of Absence requests (name and role) should be agreed at a local level on an annual basis in advance of the start of the new academic session.
- 8.2 The authorised signatory or nominee should ensure that all relevant sections of the form have been completed before signing off the form.
- 8.3 Leave of Absence request forms should be downloaded from the Leave of absence ([birmingham.ac.uk](http://birmingham.ac.uk)) web page for UG and PGT students, and the Research Student Administration Leave of Absence web-page for PGRs as and when they are required to ensure that the correct version of the application form is being submitted, and thereby avoid delays from applications submitted on out of date forms being returned.
- 8.4 The application form must be completed by the student who is requesting Leave of Absence, and then returned to the appropriate signatory (as per 8.1 above) for authorisation.
- 8.5 The supporting evidence should normally be submitted at the same time as the application form. Where evidence is not included, the reasons for this must be provided. The PAU must indicate the rationale for supporting or not supporting the request without evidence.
- 8.6 Supporting evidence can either be attached to the application form or the authorised signatory can indicate that sufficient evidence has been provided by the student and is being stored at local level.
- 8.7 i) Leave of Absence forms submitted in hard copy must always be signed by the student and the PAU's authorised signatory (as per 8.1 above).

ii) Leave of absence forms submitted by e-mail do not require a signature providing it is clear from the e-mail chain that it has been sent by the student and authorised signatory (as per 8.1.above).

- 8.8 The completed Leave of Absence form should be returned to Registry for processing. Applications from Postgraduate Researchers will normally be referred to the Research Progress & Awards Sub Panel.
- 8.9 All students who are aged under 18 must provide evidence of parental or guardian approval in the form of a letter signed by the parent or guardian.
- 8.10 Leave of absence requests for a Sabbatical Officer's second term of office before completion of their programme must be submitted and conditionally approved before submission of nomination papers for the Sabbatical Officer election in question. The leave of absence request will be decided in consultation with the student's Head of PAU (in those cases when the application for leave of absence is determined by any person or body other than the student's Head of PAU) and the Academic Registrar based on:
- Academic judgement;
  - The impact the second leave period of leave of absence would have on the student's studies;
  - Any academic dependencies.
- 8.11 Once processed, all authorised Leave of Absence will be recorded on the University's Student Record System (Banner) and the relevant notifications made to third parties, such as University Accommodation Services, the University's Finance Office and where applicable the Disability Team, the Student Loans Company, UK Visas and Immigration and Research Councils. It is the responsibility of the student to notify their sponsor about their Leave of Absence.
- 8.12 The student will be notified of the approved Leave of Absence by e-mail and of the process that is to be followed in order to return to their studies at the relevant time. International students will be advised of the impact of the Leave of Absence on their student visa.

## **9. Return from Leave of Absence**

- 9.1 Before the end of the period of Leave of Absence, it is the responsibility of the student on voluntary Leave of Absence to notify Registry, in writing, of their intention to return to their programme of study and to confirm that the issue that led to the request for Leave of Absence has been resolved. A student will be permitted to return to studies at the end of the period of Leave of Absence subject to any conditions that may have been imposed.
- 9.2 If the Leave of Absence was granted on medical grounds the student is required to provide medical evidence of their fitness to return to study. Where medical evidence is from a non-UK registered medical professional and is not in English, a certified translation must be provided by the student. At the discretion of the relevant Principal Academic Unit, students subject to Fitness to Practise requirements may be subject to additional requirements, such



as an Occupational health assessment, before being permitted to return to their programme of study.

- 9.3 Where Leave of Absence was imposed under the Code of Practice on Health, Wellbeing and Fitness to Study, the student should follow the Return to Study procedure in that Code of Practice.
- 9.4 In all instances of imposed Leave of Absence, all tuition fee debts must be cleared before a student can be permitted to return from Leave of Absence. If tuition fee charges need to be re-applied the Finance Office may require a payment in advance before the student can be permitted to return to studies. The PAU may decide that due to the amount of learning and teaching that the student has missed, they will not be able to return until the start of the next academic session.
- 9.5 In accordance with Regulation 5.3.1(m) a Registered Student who remains excluded and therefore on imposed Leave of Absence for a continuous period of 12 months, shall be withdrawn from the University and on payment of the outstanding fees, will only be readmitted at the discretion of the University.
- 9.6 Where tuition fees have been reduced in accordance with the University's published fee liability policy (above), the student will become liable for the remainder of the annual tuition fee on their return from Leave of Absence. If, upon return, the student is required to repeat a year in full, the full tuition fees for that year will be applied in addition to any charged in the previous year under the fee liability policy.
- 9.7 Following receipt of the student's notification of their intention to return from Leave of Absence plus the required medical evidence where Leave of Absence was on medical grounds, the student's registration status will be updated and access to University facilities will be reinstated.
- 9.8 International Students are responsible for ensuring that they comply with the visa requirements in accordance with Regulation 5.2.2 which requires them to hold current valid immigration permissions which permit them to study and are appropriate for their programme and mode of study. A Right to Study Check must be undertaken on their return to study at the end of the period of Leave of Absence.

## **10. Failure to Return from a Leave of Absence**

- 10.1 A Registered Student will be deemed to have withdrawn from the University if he/she does not return to study by the approved end date of the Leave of Absence and has not applied for an extension to the Leave of Absence / has made an unsuccessful application for an extension to the Leave of Absence.
- 10.2 A Registered Student's withdrawal in these circumstances shall not affect their liability to pay any unpaid tuition fees or other fees or charges.

## **11. Refused Leave of Absence**

- 11.1 Where Leave of Absence is not approved, the student will be expected to attend their programme of study in accordance with the Code of Practice on Student Attendance and Reasonable Diligence.
- 11.2 Students will have an opportunity to submit additional information following a refused request for Leave of Absence. The grounds can be the same as the original request.

## **12. Extension to Leave of Absence**

- 12.1 Leave of Absence will normally be approved for a maximum period of twelve calendar months. If a student is unable to return to studies at the end of the Leave of Absence, they will need to apply for an extension to the Leave of Absence (except in the situation set out in 9.5 which takes precedence). A further Leave of Absence form should be completed and submitted with up to date supporting evidence. The evidence that was submitted to support the original Leave of Absence request cannot be used when requesting an extension to Leave of Absence.
- 12.2 Where a student has requested a number of extensions to Leave of Absence, there may be concerns about the length of time the student has been away from their studies and the impact that this may have on their ability to successfully complete their programme of study. This will be of particular concern where the programme requirements have been changed while the student has been on Leave of Absence and, for research degrees, where the research already undertaken may be out of date. Approving a further extension to the Leave of Absence may not be in the best interests of the student and may be refused. In cases where the request is on health grounds, with the permission of the student, the University may contact the University Medical Office or the Disability Team for further information and advice before making a decision on the Leave of Absence request. International students should seek advice from the International Student Team (IST) regarding the impact of a number of extensions to their Leave of Absence on their immigration status.